REMARKS

Claims 1-13, 20, 22 and 74-77 are currently pending with claims 1, 9 and 20 being independent claims. Claims 8 and 76 are hereby amended as suggested by the Examiner.

Applicant expressly reserves the right to pursue any subject matter canceled by this amendment in this or one or more continuing applications.

No new matter has been added.

Rejections under 35 U.S.C §112

The Examiner has rejected claims 8 and 76 as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner has argued that the claims are confusing by not having clear antecedent basis for "dihydroxyacetone".

While Applicant believes that the claims as previously pending were sufficiently clear and that sufficient antecedent basis for "dihydroxyacetone" was provided, Applicant has amended the claims as suggested by the Examiner in order to expedite prosecution of this application.

Accordingly, Applicant respectfully requests that the rejection of claims 8 and 76 be withdrawn.

Rejections under 35 U.S.C §102

The Examiner has rejected claims 1, 2, 5-7, 9-11, 20, 74, 75 and 77 for allegedly being anticipated under 35 U.S.C. §102(e) by or, in the alternative, obvious under 35 U.S.C. §103(a) over Green et al. (6,267,957).

Previously, in response to the prior Office Action, Applicant amended claims 1, 9 and 20 to provide the limitation that the reactive moiety can bind proteinaceous material. In response to this amendment, the Examiner has argued that, as disclosed by Green et al., after reacting disuccinimidyl suberate or bis(sulfosuccinimidyl) suberate with an agent, a free succinimidyl group will remain that can covalently attach to a protein. From this, the Examiner concludes that the teachings of Green et al. anticipate or make obvious the rejected claims.

Applicant respectfully disagrees. The Examiner's characterization of the teachings of Green et al. is not a characterization of the full extent of the teachings. The teachings of Green et al. referred to by the Examiner do not provide that linkers, such as disuccinimidyl suberate or bis(sulfosuccinimidyl) suberate, be reacted only to an agent. Instead, the teachings provide that linkers, such as disuccinimidyl suberate or bis(sulfosuccinimidyl) suberate, can be "interposed between the components of these compositions" (i.e., between the agent and the linking molecule of the conjugates provided by Green et al.) (See, e.g., column 9, lines 21-47). If such a teaching is followed, both reactive moieties of the disuccinimidyl suberate or bis(sulfosuccinimidyl) suberate would no longer be free to react with a proteinaceous material, as one reactive moiety would have reacted with the agent and the other the linking molecule. As a result, practicing the teachings of Green et al. referred to by the Examiner would not provide the conjugates recited in the rejected claims.

Further, as argued in Applicant's previous response, even if, *arguendo*, the compounds of the rejected claims were provided by Green et al. (e.g., disuccinimidyl suberate or bis(sulfosuccinimidyl) suberate reacted with only an agent as argued by the Examiner), there is no teaching or suggestion that such compounds be combined with a pharmaceutically acceptable carrier or used as provided in the methods of the rejected claims. The Green et al. compounds that can be combined with a pharmaceutically acceptable carrier or used in methods for attaching agents to tissue are conjugates of a linking molecule (e.g., polylysine or polyglutamine) and an agent and not the compounds as provided in the rejected claims.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2, 5-7, 9-11, 20, 74, 75 and 77 for allegedly being anticipated under 35 U.S.C. §102(e) or, in the alternative, obvious under 35 U.S.C. §103(a) be withdrawn.

Rejections Under 35 U.S.C. §103

The Examiner has also rejected claim 22 under 35 U.S.C. §103(a) as being unpatentable over Green et al. for the alleged disclosure of a kit; claims 3, 4, 12 and 13 over Green et al. in view of Cheng et al. (U.S. Patent No. 6,080,566) for the alleged teaching of OPAA anhydrolase and OPA anhydrase; and claims 8 and 76 over Green et al. in view of Fusaro (U.S. Patent No. 3,920,808) for the alleged teaching of dihydroxyacetone.

Applicant respectfully traverses all of the respective rejections of the above-recited claims for obviousness. In light of the patentability of the independent claims (described above) from which the rejected claims depend, Applicant believes that these rejections are moot.

In addition, for each of these rejections, the Examiner has failed to sufficiently explain why one of ordinary skill in the art would have combined the teachings of Green et al. alone or in combination with the other cited references in the manner claimed. Furthermore, the Examiner has also not demonstrated why one of ordinary skill in the art would have the expectation of success in obtaining the compounds of the rejected claims based on Green et al. alone or in combination with the other cited references.

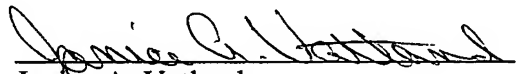
Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,



Janice A. Vatland
Registration No.: 52,318
WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
(617) 646-8000

Dated: July 3, 2007
x07/05/07